

3

Docket No. MRI-T109D1
Serial No. 10/632,685Remarks

Claims 1-12 were pending in the subject application. By this Amendment, claims 1-12 have been canceled and new claim 13 has been added. No new matter has been added by this amendment. Accordingly, claims 1-12 are currently pending in the subject application. Favorable consideration of the pending claims is earnestly solicited.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion. These amendments should not be construed as an indication of applicants' agreement with or acquiescence to, the rejections of record. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

Claims 1-12 have been rejected under 35 USC §112 as being indefinite. Claims 1-12 have been canceled and new claim 13 has been added. In view of the cancellation of claims 1-12, the applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-12 under 35 USC §112, second paragraph.

Claims 1-12 have been rejected under 35 USC §102(e) as being anticipated by Franck *et al.* (U.S. Patent No. 6,273,896). The Office Action states that "in Franck *et al.*, note the at least three markers 340, 540, 550, and 730 used as part of a navigation system for inserting medical instruments into the body. The Franck *et al.* navigation system monitors and guides the device." The applicants respectfully traverse this grounds for rejection. The subject invention as claimed in claim 13 incorporates a means for showing a virtual image of the instrument insertion channel in an MRI image of the human head. The Franck *et al.* reference does not teach an apparatus having such capability. In addition, the at least three positioning markers of the subject invention are distinguishable under magnetic resonance imaging. In contrast, the markers 730 taught by the Franck *et al.* reference are LEDs. As the Franck *et al.* reference does not teach or suggest the subject invention as claimed in claim 13, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e)

J:\MRNT109D1\Response #1.doc/sjk

4

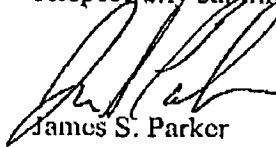
Docket No. MRI-T109101
Serial No. 10/632,685

In view of the foregoing remarks and amendments to the claims, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



James S. Parker

Patent Attorney

Registration No. 40,119

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: Saliwanchik, Lloyd & Saliwanchik
A Professional Association
2421 NW 41st Street, Suite A-1
Gainesville, FL 32606-6669

JSP/gld

Attachments: 1. Request for Continued Examination (RCE)

J:\MINT109D1\Response #1.doc/sjk